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10/633,020	07/31/2003	Carl Smith	VISAP076	4731

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EXAMINER
COLAN, GIOVANNA B

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 June 2007</u>.

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☒ Other: _____.

DETAILED ACTION

1.   This action is issued in response to the Amendment filed on 06/27/2007.

2.   Claims 1, and 11 were amended. Claims 21 – 35 were canceled. No claims were

added.

3.   Claims 1 –20 are pending in this application.

4.   Applicant's arguments filed 06/27/2007 have been fully considered but they are

not persuasive.

5.   The 37 CFR 1.105 requirement dated March 22, 2007, has been vacated.

Therefore, a new 37 CFR 1.105 requirement is attached to this Office Action.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8.   Claim 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tushie et al. (Tushie hereinafter) (US Patent No. 6,014,748) in view of Harms et al. (Harms hereinafter) (US Patent No. 6,070,147).

Regarding Claim 1, Tushie discloses a method for automating the personalization of a batch of smart cards (Col. 5 and 6, lines 66 – 67 and 1 – 5, Tushie), comprising:

executing a personalization assistant tool (Col. 2, lines 38 – 40, Tushie), said software tool including a default member profile having default values for smart card features (Col. 2 and 18, lines 39 – 40 and 5 – 24, "The card framework template record describes the structure of the chip on the card. In the sample shown below, the $MF entry defines a root directory (3F00), while $DF entries define a medical application (5F20), and an accounting application (5F10). Within each directory are application-specific files defined by $EF entries, such as 6F00 containing the account name and 6F10 containing the account number. All file descriptive data resides in the card framework template and is referenced at various times during the smart card issuing process", wherein the card framework template record corresponds to the default

member profile claimed; and wherein entries, such as, account name and account

number correspond to the default values for smart card features; Tushie);

Furthermore, Tushie also discloses a method and system for receiving smart

card feature information (Page 6, lines 40 – 46, Tushie) that was previously entered into

a cardholder database management system by a user (Fig. 1B, item 152, Page 7, lines

48 – 59, Tushie). In addition, Tushie discloses that the smart card personalization

system will create smart cards according to the information received from alternate

inputs (Col. 6, lines 54 – 56, Tushie) and from a software tool (Fig. 1A, item 150, Card

Issuer Mgnt System, Page 9, lines 23 – 26 and 33 – 38; respectively, Tushie). However,

Tushie is silent with respect to the details on how the user enters such smart card

information into the system. On the other hand, Harms discloses computer instructions

for providing a user with a plurality of queries regarding said smart card features (Col. 5,

lines 17 – 24 and 36 – 40; respectively, "the retail clerk (or consumer) can manually

key-in the desired information from the card by following prompts displayed by the

identification terminal, Harms), said queries originating from said software tool (Col. 5,

lines 1 – 5; " ...the identification terminal 15 could be integrated into a single reader...",

Harms); receiving from the user responses to the plurality of queries, said responses

being received by said software tool (Col. 5, lines 17 – 24 and 49 – 51, "... the

identification information gathered by the identification terminal 15...", Harms[1]);

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[1] To further clarify, see for example Harms, Col. 5, lines 36 – 40, "the retail clerk (or the consumer) can manually key-in the **desired information from the card** by following prompts displayed by the terminal". Wherein it is clear from this paragraph that "the desired information" being entered is information from "the card"; thus it is in regards to smart card features.

matching each of said responses with an output data value, said matching being

performed by said software tool (Col. 9, lines 41 – 46; Harms).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Harms as a method for users to

enter personalized information in the Tushie system at Fig. 1B, item 152, Card Holder

Data, to the smart card personalization system of Tushie. Skilled artisan would have

been motivated to do so, as suggested by Harms (Col. 3, lines 44 – 45, Harms), to

provide a customer-friendly and sustainable approach. In addition, both of the

references (Tushie **and** Harms) teach features that are directed to analogous art and

they are directed to the same field of endeavor, such as, databases management

systems, smart cards, and smart card input information. This close relation between

both of the references highly suggests an expectation of success.

Furthermore, the Tushie in view of Harms combination discloses:

modifying said default member profile using said matched output data values

(Col. 9, lines 40 – 50, wherein the record corresponds to the default member profile

claimed; and wherein the step of updating the record with the new transaction

corresponds to the step of modifying as claimed; Harms);

generating a personalization data file from a plurality of modified default member

profiles (Fig. 5, "Joe Smith" and "Kathleen King", Col. 7, lines 3 – 11; wherein the Figure

shows plurality of modified default member profiles for two consumers for example, "Joe

Smith" and "Kathleen King" Harms) and a plurality of sets of said output data values

(Col. 7 and 9, lines 11 – 21 and 61 – 67; respectively Harms), wherein the plurality of

sets of said output data values used to generate said personalization data file are used

to provide said smart card features on each smart card in said batch of smart cards for

a plurality of users wherein said batch of smart cards is personalized with respect to the

plurality of users (Col.6 and 9, lines 42 – 47 and 33 – 38; respectively, "... The smart

card personalization system 100 receives data from a card issuer management system

150 (typically proprietary to the card issuer), translates the data into a data stream, and

outputs the data stream to personalization equipment 130 which personalizes the smart

cards 160..."; Tushie; and Col. 5, lines 41 – 47, Harms).

Regarding Claim 2, the Tushie in view of Harms combination discloses a method,

further comprising using individual cardholder input files and the personalization data

file to personalize a plurality of smart cards to yield a plurality of personalized smart

cards (Col. 2, lines 46 – 54, Tushie; and Col. 4, and 5, lines 47 – 54 and 49 – 51;

respectively, Harms).

Regarding Claim 3, the Tushie in view of Harms combination discloses a method,

wherein the generating a personalization data file, comprises:

providing a look up table with entries for various combinations of responses to

the plurality of queries (Fig. 5, Col. 9, lines 36 – 41, Harms);

finding a matching entry in the look up table that matches the responses to the

plurality of queries (Fig. 5, Col. 9, lines 41 – 45, Harms);

locating personalization data file output associated with the matching entry (Fig.

5, Col. 9, lines 41 – 45, Harms); and

outputting the personalization data file output associated with the matching entry

(Col. 11, lines 50 – 55, Harms).

Regarding Claim 4, the Tushie in view of Harms combination discloses a method,

wherein the plurality of queries, comprise:

at least one query regarding smart card account usage control (Col. 5, lines 19 –

24, Harms);

at least one query regarding smart card account risk management (Col. 5, lines

19 – 24, Harms); and

at least one query regarding offline limits and thresholds (Col. 5, lines 19 – 24,

Harms).

Regarding Claim 5, the Tushie in view of Harms combination discloses a method,

wherein responses to the plurality of queries are used to provide best practices

recommendations (Col. 11, lines 45 – 50, Harms).

Regarding Claim 6, the Tushie in view of Harms combination discloses a method,

further comprising providing regional profiles and subregional profiles, wherein a

subregion is within a region, wherein the regional and subregional profiles have

mandatory and recommended settings, wherein some of the subregional profiles are

more stringent than regional profiles in which the subregions belong (Col. 7, lines 14 –

21 and 58 – 63, Harms).

Regarding Claim 7, the Tushie in view of Harms combination discloses a method,

wherein the generating a personalization data file, comprises:

providing a look up table with entries for various combinations of responses to

the plurality of queries (Fig. 5, Col. 9, lines 36 – 41, Harms);

finding a matching entry in the look up table that matches the responses to the

plurality of queries (Fig. 5, Col. 9, lines 41 – 45, Harms);

locating personalization data file output associated with the matching entry (Fig.

5, Col. 9, lines 41 – 45, Harms); and

outputting the personalization data file output associated with the matching entry

(Col. 11, lines 50 – 55, Harms).

Regarding Claim 8, the Tushie in view of Harms combination discloses a method,

wherein the plurality of queries, comprise:

at least one query regarding smart card account usage control (Col. 5, lines 19 –

24, Harms);

at least one query regarding smart card account risk management (Col. 5, lines

19 – 24, Harms); and

at least one query regarding offline limits and thresholds (Col. 5, lines 19 – 24,

Harms).

Regarding Claim 9, the Tushie in view of Harms combination discloses a

method, further comprising computer instructions for using responses to the plurality of

queries to provide best practices recommendations (Col. 11, lines 45 – 50, Harms).

Regarding Claim 10, the Tushie in view of Harms combination discloses a

method, further comprising providing regional profiles and subregional profiles, wherein

a subregion is within a region, wherein the regional and subregional profiles have

mandatory and recommended settings, wherein some of the subregional profiles are

more stringent than regional profiles in which the subregions belong (Col. 7, lines 14 –

21 and 58 – 63, Harms).

Regarding Claim 11, the Tushie in view of Harms combination discloses a

computer implemented method for automating the personalization of a batch of smart

cards (Col. 5 and 6, lines 66 – 67 and 1 – 5, Tushie), comprising:

running on a host computer a personalization assistant software application (Col.

2 and 6, lines 38 – 40 and 57 – 58; respectively, Tushie), said software application

including a default member profile having default values for smart card features (Col. 2

and 18, lines 39 – 40 and 5 – 24, "The card framework template record describes the

structure of the chip on the card. In the sample shown below, the $MF entry defines a

root directory (3F00), while $DF entries define a medical application (5F20), and an

accounting application (5F10). Within each directory are application-specific files

defined by $EF entries, such as 6F00 containing the account name and 6F10 containing

the account number. All file descriptive data resides in the card framework template

and is referenced at various times during the smart card issuing process", wherein the

card framework template record corresponds to the default member profile claimed; and

wherein entries, such as, account name and account number correspond to the default

values for smart card features; Tushie);

　　　　providing to at least one user system over a network a plurality of queries

regarding smart card features (Col. 5, lines 17 – 24, Harms), said queries originating

from said software application (Col. 5, lines 1 – 5; " …the identification terminal 15 could

be integrated into a single reader…", Harms, and also see - Col. 5, lines 17 – 24 and 36

– 40; respectively, "the retail clerk (or consumer) can manually key-in the desired

information from the card by following prompts displayed by the identification terminal,

Harms);

　　　　receiving from the at least one user system over the network responses to the

plurality of queries, said responses being received by said software application tool

(Col. 5, lines 17 – 24 and 49 – 51, "… the identification information gathered by the

identification terminal 15…", Harms[2]);

　　　　matching each of said responses with an output data value, said matching being

performed by said software tool (Col. 9, lines 41 – 46; Harms);

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[2] To further clarify, see for example Harms, Col. 5, lines 36 – 40, "the retail clerk (or the consumer) can manually key-in the **desired information from the card** by following prompts displayed by the terminal". Wherein it is clear from this paragraph that "the desired information" being entered is information from "the card"; thus it is in regards to smart card features.

modifying said default member profile using said matched output data values

(Col. 9, lines 44 – 50, Harms);

generating a personalization data file from said default member profile and said

output data values (Col. 9, lines 61 – 67, Harms), wherein the output data values of said

personalization data file are used to provide said smart card features on said batch of

smart card when said batch of smart cards is personalized (Col. 9, lines 33 – 38,

Tushie; and Col. 5, lines 41 – 47, Harms).

Regarding Claim 12, the Tushie in view of Harms combination discloses a

computer implemented method, further comprising:

sending the personalization data file to a preparation processing device (Fig. 1A,

item 100 and 150, Col. 6, lines 42 – 46, Tushie; and Col. 6, lines 32 – 35, Harms);
and

using the personalization data file and cardholder input files to personalize smart

cards (Fig. 1A, items 130 and 160, Col. 6, lines 45 – 47, Tushie).

Regarding Claim 13, the Tushie in view of Harms combination discloses a

computer implemented method, wherein the generating a personalization data file,

comprises:

providing a look up table with entries for various combinations of responses to

the plurality of queries (Fig. 5, Col. 9, lines 36 – 41, Harms);

finding a matching entry in the look up table that matches the responses to the

plurality of queries (Fig. 5, Col. 9, lines 41 – 45, Harms);

locating personalization data file output associated with the matching entry (Fig.

5, Col. 9, lines 41 – 45, Harms); and

outputting the personalization data file output associated to the matching entry

(Col. 11, lines 50 – 55, Harms).

Regarding Claim 14, the Tushie in view of Harms combination discloses a

computer implemented method, wherein the plurality of queries, comprise:

at least one query regarding smart card account usage control (Col. 5, lines 19 –

24, Harms);

at least one query regarding smart card account risk management (Col. 5, lines

19 – 24, Harms); and

at least one query regarding offline limits and thresholds (Col. 5, lines 19 – 24,

Harms).

Regarding Claim 15, the Tushie in view of Harms combination discloses a

computer implemented method, wherein responses to the plurality of queries are used

to provide best practices recommendations (Col. 11, lines 45 – 50, Harms).

Regarding Claim 16, the Tushie in view of Harms combination discloses a

computer implemented method, further comprising providing regional profiles and

subregional profiles, wherein a subregion is within a region, wherein the regional and

subregional profiles have mandatory and recommended settings, wherein some of the

subregional profiles are more stringent than regional profiles in which the subregions

belong (Col. 7, lines 14 – 21 and 58 – 63, Harms).

Regarding Claim 17, the Tushie in view of Harms combination discloses a

computer implemented method, wherein the generating a personalization data file,

comprises:

providing a look up table with entries for various combinations of responses to

the plurality of queries (Fig. 5, Col. 9, lines 36 – 41, Harms);

finding a matching entry in the look up table that matches the responses to the

plurality of queries (Fig. 5, Col. 9, lines 41 – 45, Harms);

locating personalization data file output associated with the matching entry (Fig.

5, Col. 9, lines 41 – 45, Harms);

and

outputting the personalization data file output associated to the matching entry

(Col. 11, lines 50 – 55, Harms).

Regarding Claim 18, the Tushie in view of Harms combination discloses a

computer implemented method, wherein the plurality of queries, comprise:

at least one query regarding smart card account usage control (Col. 5, lines 19 –

24, Harms);

at least one query regarding smart card account risk management (Col. 5, lines
19 – 24, Harms); and

at least one query regarding offline limits and thresholds (Col. 5, lines 19 – 24,
Harms).

Regarding Claim 19, the Tushie in view of Harms combination discloses a
computer implemented method, wherein responses to the plurality of queries are used
to provide best practices recommendations (Col. 11, lines 45 – 50, Harms).

Regarding Claim 20, the Tushie in view of Harms combination discloses a
computer implemented method, further comprising providing regional profiles and
subregional profiles, wherein a subregion is within a region, wherein the regional and
subregional profiles have mandatory and recommended settings, wherein some of the
subregional profiles are more stringent than regional profiles in which the subregions
belong (Col. 7, lines 14 – 21 and 58 – 63, Harms).

Response to Arguments

1.   In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

2.   Applicant argues that; "Tushie do not disclose "a smart card personalization

software tool including a default member profile having default values for smart card

features."

Examiner respectfully disagrees. The Tushie in view of Harms combination does

disclose a smart card personalization software tool including a default member profile

having default values for smart card features (Col. 2 and 18, lines 39 – 40 and 5 – 24,

"The card framework template record describes the structure of the chip on the card. In

the sample shown below, the $MF entry defines a root directory (3F00), while $DF

entries define a medical application (5F20), and an accounting application (5F10).

Within each directory are application-specific files defined by $EF entries, such as 6F00

containing the account name and 6F10 containing the account number. All file

descriptive data resides in the card framework template and is referenced at various

times during the smart card issuing process", wherein the card framework template

record corresponds to the default member profile claimed; and wherein entries, such as,

account name and account number correspond to the default values for smart card features; Tushie).

3.   Applicant argues that; "There is no disclosure in Tushie that the card framework is ever modified based upon response to user queries".

Examiner respectfully disagrees. First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., modified based upon response to user queries) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, as stated in the Office Action dated March 22, 2007, the Tushie in view of Harms combination discloses the claimed limitation of: modifying said default member profile using said matched output data values (Col. 9, lines 40 – 50, wherein the record corresponds to the default member profile claimed; and wherein the step of updating the record with the new transaction corresponds to the step of modifying as claimed; Harms).

4.   Applicant argues that; "neither the management system nor the personalization system is providing a user with queries regarding smart card features. There is no disclosure in Tushie showing that a user is presented with a number of queries and is then given a choice to respond to those queries".

Examiner respectfully disagrees. First, it is noted that the features upon which

applicant relies (i.e., a user is presented with a number of queries and is then given a

choice to respond to those queries) are not recited in the rejected claim(s). Although

the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057

(Fed. Cir. 1993).

Second, the Tushie in view of Hams combination does disclose: providing a user

with a plurality of queries regarding said smart card features (Col. 5, lines 17 – 24 and

36 – 40; respectively, "the retail clerk (or consumer) can manually key-in the desired

information from the card by following prompts displayed by the identification terminal",

Harms).

5.   Applicant argues that; "receiving from the user responses to the plurality of

queries, said responses being received by said software tool".

Examiner respectfully disagrees. The Tushie in view of Hams combination does

disclose receiving from the user responses to the plurality of queries, said responses

being received by said software tool (Col. 5, lines 17 – 24 and 49 – 51, "... the

identification information gathered by the identification terminal 15...", Harms). To

further clarify, the Tushie in view of Hams combination provides more details regarding

this limitation (See for example, Col. 5, lines 17 – 24 and 36 – 40; respectively, "the

retail clerk (or consumer) can manually key-in the desired information from the card by

following prompts displayed by the identification terminal", Harms).

6.   Applicant argues that; "there is not disclosure that a user is inputting responses

to a plurality of queries...".

Examiner respectfully disagrees. In response to applicant's argument that the

references fail to show certain features of applicant's invention, it is noted that the

features upon which applicant relies (i.e., a user is inputting responses) are not recited

in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7.   Applicant argues that; "receiving responses to queries regarding smart card

features is not anticipated by capturing data from an ID".

Examiner respectfully disagrees. As stated in the Office Action dated March 22,

2007, the Tushie in view of Hams combination does disclose the claimed limitation:

receiving from the user responses to the plurality of queries, said responses being

received by said software tool (Col. 5, lines 17 – 24 and 49 – 51, Harms). To further

clarify, see for example Harms, Col. 5, lines 36 – 40, "the retail clerk (or the consumer)

can manually key-in the **desired information from the card** by following prompts

displayed by the terminal". Wherein it is clear from this paragraph that "the desired

information" being entered is information from "the card"; thus it is in regards to smart

card features.

8.   Applicant argues that; "matching response to queries about smart features with output data is not anticipated by a system that checks to see if a consumer has a record in a consumer database".

Examiner respectfully disagrees. The Tushie in view of Hams combination does disclose: matching each of said responses with an output data value, said matching being performed by said software tool (Col. 9, lines 41 – 46; "If a record with the same identification number or the same name is found (with no duplicate names), then...", Harms). Wherein the Examiner interprets that since Harm's system is checking if there is already a record, then the system is matching as claimed.

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Prior Art Made Of Record

1.   Tushie et al. (US Patent No. 6,014,748) discloses a system and apparatus for smart card personalization.

2.   Tommy J. Morris (US Patent Pub. Application No. 2004/0078227 A1) discloses a system and method for handling medical information.

3.   Tommy J. Morris (Provisional US App. No. 60/381,058).

4.   Harms et al. (Harms hereinafter) (US Patent No. 6,070,147).

5.   Hamann et al. (US Patent No. 6,729,549 B2) discloses a system and method for personalization of smart cards.

6.   Handel et al. (US Patent N. 6,195,651 B1) disclose a system, method and article of manufacture for a tuned user application experience.

7.   Bessette (US Patent No. 6,263,330 B1) discloses a method and apparatus for the management of data files.

8.   Ballantyne et al. (US Patent No. 5,867,821) discloses a method and apparatus for electronically accessing and distributing personal health care information and services in hospitals and homes.

9.   Non- Patent Literature: "A Web-Enabled FRAMEWORK for SMART CARD Application in Health Services"; Alvin T.S. Chan, Jiannong Cao, Henry Chan, and Gilbert Young; September 2001 ACM.

Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
August 23, 2007

JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DATE : August 23, 2007

TO: Rupak Nag / Jon Scott
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FROM: John E. Breene, Supervisory Patent Examiner, Art Unit 2162

SUBJECT: Application No. 10/633,020 – Requirement for Information under 37 CFR § 1.105

Applicant and the assignee of this application are required under 37 CFR § 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

This information is being requested at this time because Examiner Colan was made aware of the existence of "better prior art", as stated by the attorney Jon Scott, at the Interview of November 15, 2006. And to date, Applicant has not made the Examiner aware of information concerning such "better prior art".

This information is required in order to enter in the record the art suggested as relevant to this examination, to document the level of skill and knowledge, and to complete the background description in the disclosure by documenting these items:

1) In response to this requirement, please provide "the better prior art" as referred in the interview on November 15, 2006.

This requirement is subject to the provisions of 37 CFR § 1.134, 1.135, and 1.136 and has a shortened statutory period of THREE MONTHS. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR §1.136(a).

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.